

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Joseph Cestaro,

Plaintiff,

-v-

Michael Prohaska and
Construction And General
Building Laborers Local 79,

Defendants.

22-cv-9444 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.:

As stated on the record during the Court's 12/22/22 hearing, the Court determines that several of Cestaro's claims (including but not limited to his breach of contract, wrongful termination, and tortious interference with contract claims) require interpreting a union constitution and are therefore completely preempted by and arise under Section 301(a) of the Labor Management Relations Act. 29 U.S.C. § 185(a). As also stated on the record, each of Cestaro's claims that does not arise under federal law shares a common factual core with his federally preempted claims and this Court therefore has supplemental jurisdiction over them. 28 U.S.C. § 1367(a). The Court therefore denies Cestaro's motion to remand. The Clerk is respectfully directed to close entry # 10 on the docket.

SO ORDERED.

New York, NY
December 22, 2022


JED S. RAKOFF, U.S.D.J.